

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA
Plaintiff,**

vs.

CASE NO. 3:09-CR-0390-02 (ADC)

**ERNESTO MENDEZ-ROMAN
Defendant**

**SUPPLEMENT TO MOTION [DOCKET 1994], NOTIFYING ADDITIONAL
SUPERVISED RELEASE VIOLATIONS, REQUESTING THE ISSUANCE OF AN
ARREST WARRANT, AND ORDER TO SHOW CAUSE HEARING**

**TO THE HONORABLE AIDA DELGADO-COLON
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO**

COMES NOW, U.S. PROBATION OFFICER JOSE BENITEZ, presenting a supplemental report to the motion filed on November 4, 2021 (Docket 1994) in which violations to the supervised release conditions were notified. The motion informed the Court of Mr. Mendez-Roman's pending charges at the state level and that no action be taken until disposition of said case. On November 9, 2021, the motion was noted and the USPO was ordered to inform the Court in a timely fashion (Docket 1995).

Since the motion filed on November 4, 2021 (Docket 1994), Mr. Mendez-Roman has incurred in additional violations to his supervised release conditions:

**1. MANDATORY CONDITION- "THE DEFENDANT SHALL NOT COMMIT
ANOTHER FEDERAL, STATE OR LOCAL CRIME."**

2. MANDATORY CONDITION- “THE DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THERAFTER, AS DETERMINED BY THE COURT.”

3. MANDATORY CONDITION- “THE DEFENDANT SHALL NOT POSSESS A FIREARM, AMMUNITION, DESTRUCTIVE DEVICE, OR ANY OTHER DANGEROUS WEAPON.”

4. STANDARD CONDITION NO. 7- “THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSES, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”

5. SPECIAL CONDITION- “THE DEFENDANT SHALL REFRAIN FROM THE UNLAWFUL USE OF CONTROLLED SUBSTANCES AND SUBMIT TO A DRUG TEST WITHIN (15) DAYS OF RELEASE, AND THEREAFTER SUBMIT TO RANDOM DRUG TESTING, NO LESS THAN THREE (3) SAMPLES DURING THE SUPERVISION PERIOD AND NOT TO EXCEED 104 SAMPLES PER YEAR UNDER THE COORDINATION OF THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN AN IN-PATIENT OR OUT-PATIENT SUBSTANCE ABUSE TREATMENT PROGRAM, FOR EVALUATION AND OR TREATMENT, AS ARRANGED BY THE U.S. PROBATION

OFFICER UNTIL DULY DISCHARGED. THE DEFENDANT IS REQUIRED TO CONTRIBUTE TO THE COST OF SERVICES RENDERED (CO-PAYMENT) IN AN AMOUNT ARRANGED BY THE U.S. PROBATION OFFICER BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENT.”

According to a seven counts Indictment filed on January 12, 2022 in the District of Puerto Rico, under Criminal Number 22-013 (RAM), Mr. Mendez-Roman was charged for violations to 18 U.S.C. §924 (c)(1)(A)(i) Possession of a Firearm in Furtherance of a Drug Trafficking Crime (Count 1), 21 U.S.C §841 (a)(1) Possession of a Controlled Substance with Intent to Distribute (Counts 2-5), 18 U.S.C. §1791 (a)(2) Possession of Contraband in Prison (Count 6), and 18 U.S.C. § 922 (g)(1) Felon in Possession of a Firearm (Count 7). The arraignment and bail hearing are scheduled for January 25, 2022 at 2:30 PM before the Honorable Giselle Lopez-Soler, U.S. Magistrate Judge.

Mr. Mendez-Roman has yielded positive to illegal substances on November 1, 2021 to Fentanyl and on December 9, 2021, to Cannabinoids (both confirmed by the National Laboratory).

The Court should also be informed that the preliminary hearing on the pending state case is scheduled for January 25, 2022.

I declare under a penalty of perjury that the foregoing is true and correct.

WHEREFORE, in view of the aforementioned circumstances, it is respectfully requested that the Court take notice of the contents of this motion and that a warrant for Mr. Mendez-Roman’s arrest be issued so that he may be brought before this Honorable Court to show cause as to why his supervised release term should not be revoked.

In San Juan, Puerto Rico, this 24th day of January 2022.

Respectfully submitted,

LUIS O. ENCARNACION,
CHIEF U.S. PROBATION OFFICER

s/Jose Benitez-Ramos

Jose Benitez-Ramos
U.S. Probation Officer
Federal Office Building, Suite 225
150 Chardón Avenue
San Juan, P.R. 00918
Tel.: (787) 766-5596
Fax: (787) 281-4940
Email: jose_benitez@prp.uscourts.gov

CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this motion with the Clerk of Court using the CM/ECF system, which will send notification of the filing to the parties.

In San Juan, Puerto Rico, this 24th day of January 2022.

s/Jose Benitez-Ramos

Jose Benitez-Ramos
U.S. Probation Officer